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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Tadashi Takano

App. No.: 09/681430
Filed: April 3, 2001
Conf. No.: 4775
Title: ROTATING ELECTRICAL
MACHINE
Examiner: L. Pham
Art Unit: 2834

I hereby certify that this correspondence and all
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the United States Patent Office via fax to
(703) 872-9319 and (703) 308-7725 on:
November 10, 2003

Ernest A. Beutler
Reg. No. 19901

Commissioner for Patents
P.O. Box 1450
Arlington, VA 22313-1450

PETITION FOR SUPERVISORY REVIEW AND SUPPLEMENTAL OFFICE ACTION

Dear Sir:

Applicant hereby requests the review of this case by a Group Director.

This case was on appeal and Appellant's Brief was filed on July 3, 2003. Now some four months later, the Examiner has reopened prosecution but apparently based on the claims as previously finally rejected even though there was a previously filed amendment, filed March 22, 2003. That was denied entry because it allegedly raised new issues. In addition a proposed amendment curing only the 112 rejections was filed with the brief, but from the nature of the new rejection, it also has apparently not been entered. If the Examiner is going to be permitted to reopen prosecution, the amendment filed March 22, 2003 should be entered to avoid further dragging out of the prosecution. Applicant does not object to the reopening of the prosecution, but the Examiner can not pick and choose what form the claims will be acted on. If the final rejection is withdrawn, applicants amendment of March 22, 2003 must be entered as a matter of right.

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Also it is most respectfully submitted that the Examiner's rejections now made still do not point out in any real detail how the references meet the rejected claims. That is the "related rotary machine" of even the broadest claim 1 is not met by the position sensor of the newly cited reference and that position sensor clearly is not a "hydraulic pump as set out in claim 26.

Respectfully submitted:



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